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25 **UNITED STATES DISTRICT COURT**
26 **DISTRICT OF NEVADA**

27 MY DAILY CHOICE, INC.,

28 Plaintiff/Counterclaim-
Defendant,

v.

WILLIAM T. BUTLER; KRISTEN
BUTLER; and ARIEYL, LLC,

Defendants/Counterclaimants/
Third Party Plaintiffs,

v.

JOSH ZWAGIL, JENNA ZWAGIL, and
KARLI THOMAS,

Third-Party Defendants.

Case No. 2:20-cv-02178-JAD-NJK

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE REPLY
BRIEF**

(Second Request)

ECF Nos. 88, 98

1 MY DAILY CHOICE, INC.,
2 Plaintiff,
3 v.
4 MARISSA BROOKE DONNELL,
5 Defendant.
6 MY DAILY CHOICE, INC.,
7 Plaintiff,
8 v.
9 SKYLAR LAMBERT,
10 Defendant.
11 MY DAILY CHOICE, INC.,
12 Plaintiff,
13 v.
14 DANIELLE LITUSKI, and
15 CHAD LITUSKI,
16 Defendants.

Case No. 2:20-cv-02225-JAD-NJK

Case No. 2:20-cv-02228-JAD-NJK

Case No. 2:20-cv-02232-JAD-NJK

17 Pursuant to LR IA 6-2, LR 7-1, the Parties, by and through their respective counsel of
18 record, hereby stipulate and request that this Court extend the date by which Third Party Defendants
19 Josh Zwagil, Jenna Zwagil, and Karli Thomas (“Third Party Defendants”) may file their reply in
20 support of their Motion to Dismiss (ECF No. 88) for a period of one week from January 26, 2022
21 to February 2, 2022. This is the second such request for extension of this deadline. The Court denied
22 the first request without prejudice on January 21, 2022 (ECF No. 96) because the Parties combined
23 multiple requests in one filing. LR IC 2-2(b); ECF No. 95.

24 In support of this Stipulation, the Parties state as follows:

25 1. On October 7, 2021, Defendants filed their Counterclaim and Third Party
26 Complaint, alleging claims against Plaintiff/Counterclaim-Defendant My Daily Choice, Inc.
27 (“MDC”) and the Third Party Defendants. *See* ECF No. 64.

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1 2. MDC filed a Motion to Dismiss in relation to Defendants' Counterclaim on
2 November 11, 2021. *See* ECF No. 80.

3 3. Third Party Defendants filed a Motion to Dismiss in relation to Defendants' Third
4 Party Complaint on December 20, 2021. *See* ECF No. 88.

5 4. Pursuant to a stipulation between the Parties and the Order of this Court,
6 Defendants' deadline to file their response to both motions to dismiss was extended until January
7 19, 2022. *See* ECF No. 84.

8 5. Defendants filed their omnibus opposition to both Motions to dismiss on January
9 19, 2022. *See* ECF No. 94 .

10 6. Pursuant to LR 7-2(b), MDC and Third Party Defendants' replies in support of their
11 Motions to Dismiss are currently due on January 26, 2022.

12 7. For the reasons set forth below, Third Party Defendants request that their deadline
13 to file a reply in support of their Motion to Dismiss be extended to February 2, 2022.

14 8. Good cause exists to extend this deadline.

15 9. Specifically, the COVID-19 pandemic and the current resurgence of the virus has
16 taken a significant toll on the Parties' attorneys and the function of their offices.

17 10. MDC and Third Party Defendants' counsel's office has experienced disruptions and
18 staff shortages due to the virus, including challenges with childcare requiring attorney Ross
19 Campbell to be out of office from January 19 to January 24, 2022.

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11. Due to unusual limitations imposed on the Parties and their counsel, the Parties ask that this deadline be extended.

IT IS SO STIPULATED.

Dated: January 24, 2022.

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Party Defendants Josh Zwagil, Jenna Zwagil
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ORDER

Based on the parties' stipulation [ECF No. 98] and good cause appearing, IT IS
HEREBY ORDERED that **the deadline to file the reply in support of the Third Party
Defendants' Motion to Dismiss [ECF No. 88] is extended to February 2, 2022.**


U.S. District Judge Jennifer A. Dorsey
Dated: January 25, 2022